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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

Mary White

Plaintiff,

v.

Portfolio Recovery Associates, LLC

Defendant.

Case No.:

**C12-01224**

Judge:

**COMPLAINT FOR DAMAGES  
UNDER THE FAIR DEBT  
COLLECTION PRACTICES ACT AND  
OTHER EQUITABLE RELIEF**

**JURY DEMAND ENDORSED HEREIN**

**PARTIES**

1. Plaintiff is a natural person who resided in Concord, CA at all times relevant to this action.
2. Defendant is a Virginia limited liability company that maintained its principal place of business in Norfolk, VA at all times relevant to this action.

**JURISDICTION AND VENUE**

3. Pursuant to 28 U.S.C. §1331, this Court has federal question jurisdiction over this matter as it arises under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692 et seq.
4. Pursuant to 28 U.S.C. §1391(b), venue is proper because a substantial part of the events giving rise to this claim occurred in this judicial district.

**STATEMENT OF FACTS**

5. At all times relevant to this action, Defendant engaged in the business of consumer debt collection.
6. Defendant regularly uses the telephone and mail to collect consumer debts that Defendant either purchased or had been hired to collect.
7. The principal source of Defendant's revenue is debt collection.
8. Defendant is a "debt collector" as defined by 15 U.S.C. §1692a(6).
9. As described below, Defendant contacted Plaintiff about an obligation that Plaintiff allegedly owed to Sears, which had been incurred for personal rather than commercial purposes.
10. This obligation is a "debt" as defined by 15 U.S.C. §1692a(5).
11. As described below, Defendant attempted to collect the debt from Plaintiff, and in so doing, has alleged that Plaintiff owed the debt.
12. Plaintiff is a "consumer" as defined by 15 U.S.C. §1692a(3).
13. On or around January 24, 2012, Plaintiff retained an attorney to file bankruptcy.
14. On or around January 25, 2012, Defendant telephoned Plaintiff in connection with the collection of the debt. During this communication, Plaintiff notified Defendant that Plaintiff was represented by a bankruptcy attorney and provided Plaintiff's attorney's contact information. Despite this notice, Defendant telephoned Plaintiff in connection with the collection of the debt on or around February 2 and February 16, 2012. During at least one of these communications, Plaintiff again notified Defendant that Plaintiff was represented by a bankruptcy attorney.
15. Defendant caused Plaintiff emotional distress.
16. Defendant violated the FDCPA.

**COUNT ONE**

**Violation of the Fair Debt Collection Practices Act**

17. Defendant violated 15 U.S.C. §1692c(a)(2) by communicating with Plaintiff notwithstanding knowledge that Plaintiff was represented by an attorney with respect to the debt.

18. In support hereof, Plaintiff incorporates paragraph 14 as if specifically stated herein.

**JURY DEMAND**

19. Plaintiff demands a trial by jury.

**PRAYER FOR RELIEF**

20. Plaintiff prays for the following relief:

- a. Judgment against Defendant for actual damages, statutory damages, and costs and reasonable attorney's fees pursuant to 15 U.S.C. §1692k.
- b. For such other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Macey Bankruptcy Law, P.C.

By: 

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